

ORIGINAL COURT COPY

FREDERICK GATLIN, #P-19908
CALIFORNIA MEDICAL FACILITY
P-108L
P.O. BOX 2000
vacaville, ca. 95696-2000

FILED

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAPetitioner In Pro Se

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FREDREICK GATLIN,
Petitioner,

Case No. C-07-03696-CW-(PR)

v.

PETITIONER'S MOTION FOR EXTENSION OF TIME

C
JAMES TILTON,
Respondent.

COMES NOW, FREDERICK GATLIN, petitioner in the above-entitled cause to move this court for an extension of time, for thirty days, in which to submit his Opposition to Respondent's Motion to Dismiss His Petition for Writ of Habeas Corpus, which was served on October 29, 2007.

This motion is for good factual cause as set forth in the Sworn Affidavit of Frederick Gatlin attached herewith.

WHEREFORE, it is respectfully requested that petitioner be granted up until December 28, 2007, in which to submit the aforementioned opposition.

Dated: NOVEMBER 15, 2007

Respectfully Submitted,

/s/ Frederick Gatlin
Frederick Gatlin, Pro Se Petitioner

SWORN AFFIDAVIT OF FREDERICK GATLIN IN SUPPORT OF
MOTION FOR EXTENSION OF TIME

I, the undersigned, under the penalty of perjury and the laws of the State of California hereby declare as follows;

1. I am the petitioner/affiant in the above-entitled cause, over eighteen years of age, a citizen of the United States and currently incarcerated at the California medical Facility located at Vacaville, California.
2. I am a layman at law, under medical and psychiatric care and must rely on lay inmate assistance for all legal endeavors.
3. I am in receipt of the respondent's motion to dismiss my petition for writ of habeas corpus, which was served on October 29, 2007.
4. In order to respond to the respondent's motion my, current, inmate legal assistant has advised me that I will need copies of my mental health records.
5. On or about November 7, 2007, I submitted a request to be allowed to inspect and obtain copies of my mental health records that are extremely relevant in this matter.
6. As of this date, there has been no response to my request and it is very unlikely that said copies will be rendered in time for me to meet my current court deadline, November 28, 2007, to submit my opposition to the respondent's motion to dismiss.

THEREFORE, it is requested that I be granted an extension of thirty days, up until December 28, 2007, in which to submit my opposition.

VERIFICATION

I, the undersigned, swear under the penalty of perjury that the foregoing is true and correct to the best of my own personal knowledge.

Executed on this 15TH day of ~~October~~ NOVEMBER, 2007 at Vacaville, California.
I, the undersigned, swear under the penalty of perjury that the foregoing is true and correct.

Respectfully Submitted,

/s/ Frederick Gatlin
Frederick Gatlin, Affiant in Pro Se

PROOF OF SERVICE BY MAIL

I, FREDERICK GATLIN, #P-19908, declare:

I am at least eighteen years of age, a citizen of the United States, and a party / ~~NOT A PARTY~~ to the attached herein cause. My mailing address is California Medical Facility, P.O. box 2000 Cell P-108L, Vacaville, Ca. 95696. On November 15, 2007 I delivered to prison officials at the California medical Facility, at the address, the following documents for mailing via the United states mail.

1. MOTION FOR EXTENSION OF TIME TO SUBMIT OPPOSITION TO RESPONDENT'S MOTION TO DISMISS
2. _____
3. _____

In a sealed envelope(s) with postage fully prepaid, addressed to:

1. OFFICE OF THE STATE ATTORNEY GENERAL/ 455 GOLDEN GATE AVE. SAN FRANCISCO, CA. 94102
2. _____
3. _____
4. _____
5. _____

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on this 15th day of November, 2007 at Vacaville, California.

/s/ Frederick T. Gatlin
Declarant/Petitioner in Pro Se